Netflix, Inc. v. Blockbuster, Inc.

Doc. 85 Att. 21

EXHIBIT R2

THE THE PROPERTY OF THE PARTY O	
establishing over the Internet a rental	34a. BLOCKBUSTER Online® requires customers to enter into an online rental agreement that provides for
agreement with a customer that provides	charging the customer a periodic fee.
ior charging use customer a periodic ree,	"Von among to now the anniversal a native dia mambershin face (nine tayor) in accordance with want Darment Mathod
	issuer agree to pay use applicable." How to Subscribe, BLOCKBUSTER Online® RENTAL TERMS AND CONDITIONS
providing electronic digital information	34b. See Contention la.
that causes one or more attributes of	
movies to be displayed;	
establishing, in electronic digital form,	34b. See Contention 1b.
from electronic digital information	
received over the Internet, a movie rental	
queue associated with a customer	
comprising an ordered list indicating two	
or more movies for renting to the	
customer;	
causing to be delivered to the customer	34c. See Contention 1c.
up to a specified number of movies based upon the order of the list:	
in response to one or more delivery	34d. See Contention 1d.
criteria being satisfied, if the customer is	
current on the periodic fee, selecting	
another movie based upon the order of	
the list and causing the selected movie to	
be delivered to the customer; and	
in response to other electronic digital	34e. See Contention 1e.
information received from the customer	
over the Internet, electronically updating	
the movie rental queue.	
35. A computer-implemented method as	35. See Contention 2.
recited in Claim 34, wherein updating the	
movie rental queue comprises changing	
the order of the two or more movies for renting to the customer	
nented method as	36. See Contention 3.
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	A CENTINION COUNCES TO THE SECOND ASSESSMENT OF THE ACCUSION BUILDING SYSTEM SECOND SE
recited in Claim 34, wherein updating the	
movie rental queue comprises indicating	
-	- 1
37. A computer-implemented method as 37.	. See Contention 4.
recited in Claim 34, wherein updating the	
movie rental queue comprises removing	
an indication of one or more of the	
movies from the ordered list.	
38. A computer-implemented method as 38.	. See Contention 5.
recited in Claim 34, wherein the two or	
more movies for renting to the customer	
are selected by the customer.	
39. A computer-implemented method as 39.	. See Contention 6.
recited in Claim 34, further comprising	
determining the order of the two or more	
movies indicated by the movie rental	
queue based upon preferences of the	
customer.	
	40. See Contention 7.
recited in Claim 34, wherein the delivery	
of the selected movie comprises delivery	
by mail.	
41. A computer-implemented method as 41.	. See Contention 8.
recited in Claim 34, wherein the delivery	
of the selected movie comprises delivery	
by mail on one or more optical media.	
42. A computer-implemented method as 42.	. See Contention 9.
recited in Claim 34, wherein the receipt	
of the movie previously delivered to the	
customer comprises receipt by mail.	
43. A computer-implemented method as 43.	. See Contention 10.
recited in Claim 34, wherein a number of	
movies delivered to the customer and not	
yet returned does not exceed the	
specified number.	The state of the s
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44 A committee system for rentino	44 BLOCKBUSTER Online® employs a computer-system for renting movies to customers
movies to customers, comprising:	
a computer that is coupled to a digital	44a. BLOCKBUSTER Online®'s computer system comprises a computer that is coupled to digital
telecommunications network by a digital	telecommunications network by a digital telecommunications link.
an electronic digital memory in the	44b. BLOCKBUSTER Online® computer system comprises an electronic digital memory in the computer.
computer;	
one or more sequences of computer	44c. BLOCKBUSTER Online®'s computer system comprises one or more sequences of computer program
program instructions stored in the	instructions stored in the electronic digital memory which, when executed, cause the computer(s) to perform the
electronic digital memory which, when	steps necessary to facilitate the DVD rental service as described above in claim 1.
executed, cause the computer to perform the stens of:	
providing electronic digital information	44d. See Contention 1a.
that causes one or more attributes of	
movies to be displayed;	
establishing, in electronic digital form,	44e. See Contention 1b.
from electronic digital information	
received over the Internet, a movie rental	
queue associated with a customer	
comprising an ordered list indicating two	
or more movies for renting to the	
customer;	
causing to be delivered to the customer	44f. See Contention 1c.
up to a specified number of movies based	
upon the order of the fist;	c
in response to one or more delivery	44g. See Contention 1d.
criteria being satisfied, selecting another	
movie based upon the order of the list	
and causing the selected movie to be	
delivered to the customer; and	
in response to other electronic digital	44h. See Contention 1e.
information received from the customer	
over the Internet, electronically updating	
As A security queue.	
45. A computer system as recited in	43. See Contention 2.

EXHIBIT B

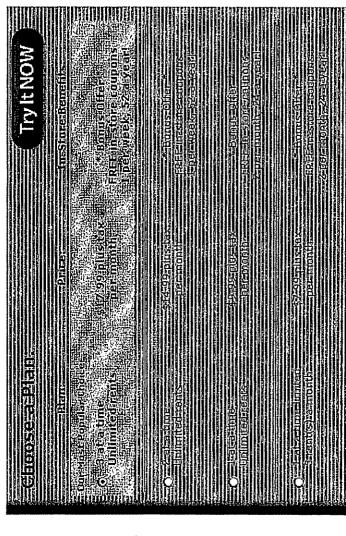
 A method for renting items to customers, the method comprising the computer-implemented steps of: 	 BLOCKBUSTER Online® (the accused instrumentality) employs a computer-implemented method for renting DVDs to customers. See www.blockbuster.com
receiving one or more item selection criteria that indicates two or more items that a customer desires to rent;	1a. BLOCKBUSTER Online® receives one or more item selection criteria (e.g., DVD title selections) from customers that indicate two or more DVDs the customer desires to rent.
	How do I manage My Queue?
	Ans and a state of the state of
	The state of the s
	"Frequently Asked Questions," at http://blockbuster.custhelp.com/cgi- bin/blockbuster.cfg/php/enduser/std alp.php?
providing to the customer up to a specified number of the two or more items indicated by the one or more item selection entering.	 BLOCKBUSTER Online® provides to the customer up to a specified number of the DVDs selected by the customer.
	"BLOCKBUSTER Online® will automatically ship titles to a [customer] up to a [customer's] maximum number of outstanding BLOCKBUSTER Online® Rentals, from and in the order that [customers] have listed in [their] rental queue, subject to availability." Selection and Allocation of Product, BLOCKBUSTER Online® RENTAL TERMS AND CONDITIONS.
in response to receiving any of the items provided to the customer, providing to the customer one or more other items indicated	1c. In response to receiving any of the items provided to the customer, BLOCKBUSTER Online® sends to the customer other DVD titles selected by the customer wherein the total current number DVD titles provided to the customer does not exceed the specified number of outstanding rentals allowed.
by the one or more item selection criteria, wherein a total current number of items provided to the customer does not exceed the specified number.	Unlimited DVD Rentals For only \$17,99 a month (plus taxes) you can rent all the movies you want. Have up to 3 DVDs out at a time. Keep the DVDs as long as you want. When you're done with a DVD, just send it back in the provided postage paid envelope. We'll send you another selection from your rental queue, Keep your queue full and keep the movies coming.

	Date createst How do I manage My Queue? Date createst Ouestion Oues
the step of providing to the customer up to	4b. BLOCKBUSTER Online® provides to the customer up to a specified number of selected items in the order
a specified number of the two or more	specified by the customer.
items indicated by the one or more item	
selection criteria includes providing to the	"BLOCKBUSTER Online® will automatically ship titles to a [customer] up to a [customer's] maximum number
customer up to a specified number of the	of outstanding BLOCKBUSTER Online® Rentals, from and in the order that [customers] have listed in [their]
two or more items indicated by the one or	rental queue, subject to availability." Selection and Allocation of Product, BLOCKBUSTER Online® RENTAL TERMS AND CONDITIONS
order indicated by the item selection	
criteria, and	
the step of providing to the customer one or more other items indicated by the one or	4c. In response to receiving any of the items provided to the customer, BLOCKBUSTER Online® will provide to the customer other selected items in the order specified by the customer.
more item selection criteria includes	
providing to the customer one or more other items indicated by the one or more	Unlimited DVD Rentals For only \$17.99 a month (plus taxes) you can rent all the movies you want. Have up to 3
item selection criteria in the desired order	DVDs out at a time. Keep the DVDs as long as you want, When you're done with a DVD, just send it back in the provided postage paid envelope. We'll send you another selection from
indicated by the one or more item selection	your rental queue, Keep your queue full and keep the movies coming,
criteria.	See Contention "How it Works", at
	nup.//www.orockousica.com/nomepages/daspaayrage.acnon.com/net1=51gn+m+51gn+Up&channetZ=nndoutmore &nav=false&cctr=homehowitworks
5. A method as recited in claim 4, further	5. If an item is not available, BLOCKBUSTER Online® provides another of the selected items based upon the
comprising if a particular item from the	desired order indicated by the customer.
one or more items indicated by the one or	
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available, then providing another item from the one or more items based upon the desired order indicated by the one or more item selection criteria 7. A method as recited in claim 1, further comprising: establishing, based upon the one or more item selection criteria, an item rental queue for the customer, wherein the item rental queue contains one or more entries that specify the two or more items that the customer desires to rent; and in response to receiving back any of the items provided to the customer, selecting the one or more other items from the item rental queue.
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See Contention "How it Works", at http://www.blockbuster.com/homepages/displayPage.action?channel1=Sign+In+Sign+Up&channel2=findoutmore &nav=false&cct=homehowitworks	8. In response to receiving a customer notification (e.g. that a DVD is damaged, umplayable, or never received), BLOCKBUSTER Online®, will provide one or more other DVDs selected by the customer. How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not receive a DVD, my DVD has not been received, my DVD is damaged? Case How do Ireport DVD Issues: did not received by DVD is damaged? Case How do Ireport DVD Issues: did not received by DVD is damaged? Case How do Ireport DVD Issues: did not received by DVD in the Case How do Ireport DVD is day of the complete complete complete by DVD is day of the complete c
See C http://x &nav=	8. In range of the property of
	8. A method as recited in claim 1, further comprising in response to receiving a customer notification, providing to the customer a second set of one or more other items indicated by the one or more item selection criteria.

THE CONTRACT OF A CASE A CASE OF A CASE	9. BLOCKBUSTER Online® offers a "limited" rental plan wherein the total number of DVDs provided to a
further comprising in response to	customer every month may not exceed 3 in number. Upon the expiration of the monthly subscription period,
expiration of a specified amount of time,	BLOCKBUSTER Online® will provide one or more other DVDs selected by the customer if the customer has an
providing to the customer a second set of	open rental slot.
one or more other items indicated by the	
one or more item selection criteria.	



10. A method as recited in claim 1, further comprising in response to a specified date being reached, providing to the customer a second set of one or more other items indicated by the one or more item selection criteria.	10. BLOCKBUSTER Online® offers a "limited" rental plan wherein the total number of DVDs provided to a customer every month may not exceed 3 in number. Upon the first date of the subsequent monthly subscription period, BLOCKBUSTER Online® will provide one or more other DVDs selected by the customer has an open rental slot. [Elicipate 2 Planti
	Confloration Principal Confloration Principal Confloration Confloratio
	Leperdynelly secularise (2-2) subjugged (2-2) secularise (2-2) subjugged (2-2) secularise (
	On the leadness of the second
11. A method as recited in claim 1, further comprising in response to a specified fee being received providing to	11. In response to receipt of payment from a customer who has upgraded to a plan with higher rental maximums, BLOCKBUSTER Online® provides the customer one or more DVDs selected by the customer.
the customer a second set of one or more other items indicated by the one or more item selection criteria.	Modifying of BLOCKBUSTER Online Memberships, BLOCKBUSTER Online® RENTAL TERMS AND CONDITIONS
12. A method as recited in claim 1, wherein items are provided to the customer by mail.	12. BLOCKBUSTER Online® provides items to the customer by mail. "Delivery and return of your BLOCKBUSTER Online Rentals will be via U.S. Postal Service ("USPS").

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Delivery and Return of Rented DVDs. BLOCKBUSTER Online® RENTAL TERMS AND CONDITIONS	13. BLOCKBUSTER Online® provides items to the customer by a delivery agent "Delivery and return of your BLOCKBUSTER Online Rentals will be via U.S. Postal Service ("USPS").	Delivery and Return of Rented DVDs, BLOCKBUSTER Online® RENTAL TERMS AND CONDITIONS	14. See Contention 1.	1A = C - C - t + t + C - T	14a. See Contention 1.	14b. See Contention 1a.	14c. See Contention 1a.						14d. See Contention 1b.							14e. See Contention 1c.											
	13. A method as recited in claim 1, wherein items are provided to the customer	by a delivery agent.	14. A method as recited in claim 1,	wherem:	the two or more items are two or more movies.	the one or more item selection criteria are	the step of receiving one or more item	selection criteria that indicates two or more	items that a customer desires to rent	includes receiving one or more movie	selection criteria that indicates two or more	movies that a customer desires to rent,	the step or providing to the customer up to	a specified number of the one or more	items indicated by the one or more item	selection criteria includes providing to the	customer up to a specified number of the	two or more movies indicated by the one	or more movie selection criteria, and	the step of in response to receiving any of	the items provided to the customer,	providing to the customer one or more	other items indicated by the one or more	item selection enteria, wherein a total	current number of items provided to the	customer does not exceed the specified	number includes in response to receiving	any of the movies provided to the	customer, providing to the customer one or	more other movies indicated by the one or	

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19. A method as recited in claim 16,	19. See Contention 16.
wherein	AND THE PARTY OF T
the one or more item selection criteria	19a. See Contention 4a.
indicates a desired order for the two or	
more items that a customer desires to rent,	
the step of providing to the customer up to	19b. See Contention 4b.
a specified number of the two or more	
items indicated by the one or more item	
selection criteria includes providing to the	
customer up to a specified number of the	
two or more items indicated by the one or	
more item selection criteria in the desired	
order indicated by the one or more item	
selection criteria, and	
the step of providing to the customer one	19c. See Contention 4c.
or more other items indicated by the one or	
more item selection criteria includes	
providing to the customer one or more	
other items indicated by the one or more	
item selection criteria in the desired order	
indicated by the one or more item selection	
criteria.	
20. A method as recited in claim 19,	20. See Contention 5.
further comprising if a particular item from	
the two or more items indicated by the one	
or more item selection criteria is not	
available, then providing another item	
from the two or more items based upon the	
desired order indicated by the one or more	
item selection criteria.	
22. A method as recited in claim 16,	22. See Contention 16.
further comprising	
establishing, based upon the one or more	22a. See Contention 7a.
item selection criteria, an item rental queue	
for the customer, wherein the item rental	
queue contains one or more entries that	

in response to receiving back any of the removed to the customer, selecting the one or more other items from the item rental queue. 23. A method as recited in claim 16, and the comprising in response to receiving a customer notification, providing to the customer a second set of one or more other items indicated by the one or more item	22b. See Contention 7b. 23. See Contention 8. 24. See Contention 9.
in g	e Contention 8.
ore other items from the item d as recited in claim 16, rising in response to receiving otification, providing to the econd set of one or more other ed by the one or more item	e Contention 8.
d as recited in claim 16, rising in response to receiving otification, providing to the econd set of one or more other ed by the one or more item	e Contention 8.
eiving the other	e Contention 8.
rther comprising in response to receiving customer notification, providing to the istomer a second set of one or more other are indicated by the one or more item	e Contention 9.
sustomer notification, providing to the istomer a second set of one or more other ins indicated by the one or more item	e Contention 9.
istomer a second set of one or more other instituted by the one or more item	e Contention 9.
ms indicated by the one or more item	e Contention 9.
selection criteria.	e Contention 9.
recited in claim 16,	
further comprising in response to	
expiration of a specified amount of time,	
providing to the customer a second set of	
one or more other items indicated by the	
one or more item selection criteria.	A CHARLES AND
6,	25. See Contention 10.
further comprising in response to a	
specified date being reached, providing to	
the customer a second set of one or more	
other items indicated by the one or more	
ítem selection criteria.	THE PARTY OF THE P
6,	26. See Contention 11.
further comprising in response to a	
specified fee being received, providing to	
the customer a second set of one or more	
other items indicated by the one or more	
item selection criteria.	
	27. See Contention 12.
wherein items are provided to the customer	
by mail.	
	28. See Contention 13.
wherein items are provided to the customer	
oy a activety agente	

29. A method as recited in claim 16,	29. See Contention 16.	C
the two or more items are two or more	29a. See Contention 14a.	as
movies.		e 3
the one or more item selection criteria are	29b. See Contention 14b.	3:06
one or more movie selection criteria,	THE PARTY OF THE P	3-c
the step of receiving one or more item	29c. See Contention 14c.	·V-(
selection criteria that indicates two or more)23
items that a customer desires to rent		36
includes receiving one or more movie		1-V
selection criteria that indicates two or more		VI-
movies that a customer desires to rent,		IA T
the step of providing to the customer up to	29d. See Contention 14d.	
a specified number of the one or more		D
items indicated by the one or more item		oc
selection criteria includes providing to the		un —
customer up to a specified number of the		nei
two or more movies indicated by the one		nt :
or more movie selection criteria, and		31
the step of in response to receiving any of	29e. See Contention 14e.	
the items provided to the customer,		Fi
providing to the customer one or more		led
other items indicated by the one or more		d C
item selection criteria, wherein a total		7/
number of items provided to the customer		28
within a specified period of time does not		/2(
exceed a specified limit includes in		006
response to receiving any of the movies		3
provided to the customer, providing to the		F
customer one or more other movies		⊃a(
indicated by the one or more movie		ge
selection criteria, wherein a total number		13
of items provided to the customer within a		3 o
specified period of time does not exceed a		f 1
specified limit.	A DESCRIPTION OF THE PROPERTY	5
31. A method for renting movies to	31. See Contention 1.	

customers, the method comprising the computer-implemented steps of:		C
receiving one or more movie selection	31a. See Contention 1a.	ase
or more movies that the customer desires		3:06
+	11 C= C= 6-4-4-4-1	i-c'
providing to the customer up to a specified mimber of the two or more movies	310. See Contention 10.	v-0
indicated by the one or more movie		236
		31-
in response to a return of any of the movies	31c. See Contention 1c.	·W
provided to the customer, providing to the		HA
customer one or more other movies		\
indicated by the one or more movie		
selection criteria, wherein a total current		
number of movies provided to the		CUI
customer does not exceed the specified		me
		ent
32. A method as recited in claim 31,	32. See Contention 31.	31
	The state of the s	
	32a. See Contention 4a.	-
specifies an order in which the customer		ile
desires to receive the movies,		d (
the step of providing to the customer up to	32b. See Contention 4b.	07/
a specified number of the two or more		'28
movies indicated by the one or more movie		3/2
selection criteria includes providing to the		
customer up to a specified number of the		6
two or more movies indicated by the move		
selection criteria in the order specified by		Pa —
the one or more movie selection criteria,		ge
the step of providing to the customer one	32c. See Contention 4c.	4 c
or more other movies specified by the one)t 7
or more movie selection criteria includes		5
providing to the customer one or more		******

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	tention 12.	tention 13.							
	34. See Contention 12.	35. See Conter							
other movies specified by the one or more movie selection criteria in the order specified by the one or more movie selection criteria.	34. A method as recited in claim 31, wherein movies are provided to the customer by mail	35. A method as recited in claim 31, wherein movies are provided to the customer by a delivery agent.							

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